

**Fill in this information to identify the case:**

Debtor 1 Holiday Ham Holdings, LLC

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Western District of Tennessee

Case number 23-233313-MRH

## Official Form 410

# Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

### Part 1: Identify the Claim

1. Who is the current creditor?	<u>Kroger Limited Partnership I</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>  <u>Thomas H. Forrester</u> Name <u>150 Third Avenue South, Suite 1700</u> Number Street <u>Nashville TN 37201</u> City State ZIP Code Contact phone <u>615-244-4994</u> Contact email <u>tforrester@gsrm.com</u>	<b>Where should payments to the creditor be sent? (if different)</b>  Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on ____ / ____ / ____	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 1,453,522.13. Does this amount include interest or other charges?  
☐ No  
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).  
plus attorney's fees and other costs allowed  
under Tenant's Lease and Debtor's Guaranty.

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
Guaranty of obligations under commercial lease

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.  
**Nature of property:**  
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ 1,453,522.13  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
☐ Fixed  
☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ \_\_\_\_\_

☐ Up to \$3,350\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$15,150\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

Signature \_\_\_\_\_

Print the name of the person who is completing and signing this claim:

Name Thomas H. Forrester  
First name Middle name Last name

Title Member

Company Gullett, Sanford, Robinson & Martin, PLLC  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 150 Third Avenue South, Suite 1700  
Number Street

Nashville TN 37201  
City State ZIP Code

Contact phone 615-244-4994 Email tforrester@gssrm.com



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**Lease Ledger**

Date: 09/27/2023

Property: greatoak

Tenant: t0010195 Holiday Deli &amp; Ham Co.

From Date: 07/18/2022 To Date: 04/28/2023

Move In Date: 07/18/2022 Move Out Date: 07/28/2023

Date	Description	Unit	Charge	Payment	Balance	Chg/Rec	Hold
12/14/2021	Chk# 11479		0.00	9,911.46	-9,911.46	R-145313	
2/1/2022	Security Deposit		9,911.46	0.00	0.00	C-318924	No
8/1/2022	Monthly CAM Contribution (08/2022)	1	720.83	0.00	720.83	C-322800	No
8/1/2022	Monthly Insurance Contribution (08/2022)	1	90.10	0.00	810.93	C-322801	No
8/1/2022	Monthly Tax Contribution (08/2022)	1	1,301.10	0.00	2,112.03	C-322802	No
9/1/2022	Monthly CAM Contribution (09/2022)	1	720.83	0.00	2,832.86	C-327111	No
9/1/2022	Monthly Insurance Contribution (09/2022)	1	90.10	0.00	2,922.96	C-327112	No
9/1/2022	Monthly Tax Contribution (09/2022)	1	1,301.10	0.00	4,224.06	C-327113	No
10/1/2022	Monthly CAM Contribution (10/2022)	1	720.83	0.00	4,944.89	C-331325	No
10/1/2022	Monthly Insurance Contribution (10/2022)	1	90.10	0.00	5,034.99	C-331326	No
10/1/2022	Monthly Tax Contribution (10/2022)	1	1,301.10	0.00	6,336.09	C-331327	No
10/10/2022	Monthly CAM Contribution (07/2022) prorated 14 days		325.50	0.00	6,661.59	C-331384	No
10/10/2022	Monthly Insurance Contribution (07/2022) prorated 14 days		40.74	0.00	6,702.33	C-331385	No
10/10/2022	Monthly Tax Contribution (07/2022) prorated 14 days		587.58	0.00	7,289.91	C-331386	No
10/10/2022	Late Fee (07/2022)		95.38	0.00	7,385.29	C-331387	No
10/10/2022	Late Fee (08/2022)		211.20	0.00	7,596.49	C-331388	No
10/10/2022	Late Fee (09/2022)		211.20	0.00	7,807.69	C-331389	No
10/10/2022	Late Fee (10/2022)		211.20	0.00	8,018.89	C-331390	No
11/1/2022	Monthly CAM Contribution (11/2022)	1	720.83	0.00	8,739.72	C-333373	No
11/1/2022	Monthly Insurance Contribution (11/2022)	1	90.10	0.00	8,829.82	C-333374	No
11/1/2022	Base Rent (11/2022)	1	4,955.73	0.00	13,785.55	C-333375	No
11/1/2022	Monthly Tax Contribution (11/2022)	1	1,301.10	0.00	15,086.65	C-333376	No
11/7/2022	Chk# 11925		0.00	6,366.09	8,720.56	R-166445	
12/1/2022	Monthly CAM Contribution (12/2022)	1	720.83	0.00	9,441.39	C-339801	No
12/1/2022	Monthly Insurance Contribution (12/2022)	1	90.10	0.00	9,531.49	C-339802	No
12/1/2022	Base Rent (12/2022)	1	9,911.46	0.00	19,442.95	C-339803	No
12/1/2022	Monthly Tax Contribution (12/2022)	1	1,301.10	0.00	20,744.05	C-339804	No
12/30/2022	Late Fee 11/2022		872.05	0.00	21,616.10	C-344267	No
12/30/2022	Late Fee 12/2022		1,202.34	0.00	22,818.44	C-344268	No
12/31/2022	7/2022-11/2022 electric invoices		805.00	0.00	23,623.44	C-344269	No
1/1/2023	Monthly CAM Contribution (01/2023)	1	720.83	0.00	24,344.27	C-344238	No
1/1/2023	Monthly Insurance Contribution (01/2023)	1	90.10	0.00	24,434.37	C-344239	No
1/1/2023	Base Rent (01/2023)	1	9,911.46	0.00	34,345.83	C-344240	No
1/1/2023	Monthly Tax Contribution (01/2023)	1	1,301.10	0.00	35,646.93	C-344241	No
2/1/2023	Monthly CAM Contribution (02/2023)	1	720.83	0.00	36,367.76	C-346490	No
2/1/2023	Monthly Insurance Contribution (02/2023)	1	90.10	0.00	36,457.86	C-346491	No
2/1/2023	Base Rent (02/2023)	1	9,911.46	0.00	46,369.32	C-346492	No
2/1/2023	Monthly Tax Contribution (02/2023)	1	1,301.10	0.00	47,670.42	C-346493	No
2/5/2023	Legal Fees thru 1/31/2023 Lease default		1,363.00	0.00	49,033.42	C-348897	No
3/1/2023	Monthly CAM Contribution (03/2023)	1	720.83	0.00	49,754.25	C-351240	No
3/1/2023	Monthly Insurance Contribution (03/2023)	1	90.10	0.00	49,844.35	C-351241	No
3/1/2023	Base Rent (03/2023)	1	9,911.46	0.00	59,755.81	C-351242	No
3/1/2023	Monthly Tax Contribution (03/2023)	1	1,301.10	0.00	61,056.91	C-351243	No
3/9/2023	Legal Fees		2,582.00	0.00	63,638.91	C-354098	No
3/10/2023	2022 Annual CAM Reconciliation		1,401.86	0.00	65,040.77	C-354190	No
3/10/2023	2022 Annual Tax Reconciliation		121.88	0.00	65,162.65	C-354191	No
3/10/2023	2022 Annual Insurance Reconciliation		322.13	0.00	65,484.78	C-354192	No
4/1/2023	Monthly CAM Contribution (04/2023)	1	720.83	0.00	66,205.61	C-358594	No
4/1/2023	Monthly Insurance Contribution (04/2023)	1	90.10	0.00	66,295.71	C-358595	No

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### Lease Ledger

Date: 09/27/2023

Property: greatoak

Tenant: t0010195 Holiday Deli & Ham Co.

From Date: 07/18/2022 To Date: 04/28/2023

Move In Date: 07/18/2022 Move Out Date: 07/28/2023

Date	Description	Unit	Charge	Payment	Balance	Chg/Rec	Hold
4/1/2023	Base Rent (04/2023)	1	9,911.46	0.00	76,207.17	C-358596	No
4/1/2023	Monthly Tax Contribution (04/2023)	1	1,301.10	0.00	77,508.27	C-358597	No
5/1/2023	Monthly CAM Contribution (05/2023) :Reversed by Charge Ctrl# 363622		720.83	0.00	78,229.10	C-363109	No
5/1/2023	Monthly Insurance Contribution (05/2023) :Reversed by Charge Ctrl# 363623		90.10	0.00	78,319.20	C-363110	No
5/1/2023	Base Rent (05/2023) :Reversed by Charge Ctrl# 363624		9,911.46	0.00	88,230.66	C-363111	No
5/1/2023	Monthly Tax Contribution (05/2023) :Reversed by Charge Ctrl# 363625		1,301.10	0.00	89,531.76	C-363112	No
5/3/2023	:Reverse Charge Ctrl#363109 Tenants lease terminated thru Kroger legal		-720.83	0.00	88,810.93	C-363622	Yes
5/3/2023	:Reverse Charge Ctrl#363110 Tenants lease terminated thru Kroger legal		-90.10	0.00	88,720.83	C-363623	Yes
5/3/2023	:Reverse Charge Ctrl#363111 Tenants lease terminated thru Kroger legal		-9,911.46	0.00	78,809.37	C-363624	Yes
5/3/2023	:Reverse Charge Ctrl#363112 Tenants lease terminated thru Kroger legal		-1,301.10	0.00	77,508.27	C-363625	Yes
5/3/2023	:Security Deposit credit		-9,911.46	0.00	67,596.81	C-363626	No

BASE Rent Projection

																					RATE:	7.500%
Property		Unit(s)	Lease	Lease Type	Area	Lease From	Lease To	May 2023	Jun 2023	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	Total	NPV	
greateak - GREAT OAKS SHOPPING CENTER,Collierville		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	118,937.52	\$118,198.78	
greateak								May 2024	Jun 2024	Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	118,937.52	\$118,198.78	
greateak								May 2025	Jun 2025	Jul 2025	Aug 2025	Sep 2025	Oct 2025	Nov 2025	Dec 2025	Jan 2026	Feb 2026	Mar 2026	Apr 2026	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	118,937.52	\$118,198.78	
greateak								May 2026	Jun 2026	Jul 2026	Aug 2026	Sep 2026	Oct 2026	Nov 2026	Dec 2026	Jan 2027	Feb 2027	Mar 2027	Apr 2027	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	9,911.46	118,937.52	\$118,198.78	
greateak								May 2027	Jun 2027	Jul 2027	Aug 2027	Sep 2027	Oct 2027	Nov 2027	Dec 2027	Jan 2028	Feb 2028	Mar 2028	Apr 2028	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	9,911.46	9,911.46	10,423.02	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	128,369.34	\$127,572.01	
greateak								May 2028	Jun 2028	Jul 2028	Aug 2028	Sep 2028	Oct 2028	Nov 2028	Dec 2028	Jan 2029	Feb 2029	Mar 2029	Apr 2029	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	130,831.20	\$130,018.58	
greateak								May 2029	Jun 2029	Jul 2029	Aug 2029	Sep 2029	Oct 2029	Nov 2029	Dec 2029	Jan 2030	Feb 2030	Mar 2030	Apr 2030	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	130,831.20	\$130,018.58	
greateak								May 2030	Jun 2030	Jul 2030	Aug 2030	Sep 2030	Oct 2030	Nov 2030	Dec 2030	Jan 2031	Feb 2031	Mar 2031	Apr 2031	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	130,831.20	\$130,018.58	
greateak								May 2031	Jun 2031	Jul 2031	Aug 2031	Sep 2031	Oct 2031	Nov 2031	Dec 2031	Jan 2032	Feb 2032	Mar 2032	Apr 2032	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	10,902.60	130,831.20	\$130,018.58	
greateak								May 2032	Jun 2032	Jul 2032	Aug 2032	Sep 2032	Oct 2032	Nov 2032	Dec 2032	Jan 2033	Feb 2033	Mar 2033	Apr 2033	Total		
greateak		1	Holiday Deli & Ham Co.( t0010195 )	RETAIL LEASE	4,325.00	7/18/2022	7/31/2032	10,902.60	10,902.60	10,902.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	32,707.80	\$32,504.65	
1,160,152.02																					\$1,152,946.11	

COMMON AREA MAINTENANCE PROJECTION

Monthly charge as of 5/1/2023 \$ 720.83		NPV	7.500%
5/2023 - 12/2023	5,766.64	\$5,730.82	
2024	8,649.96	\$8,596.23	
2025	8,649.96	\$8,596.23	
2026	8,649.96	\$8,596.23	
2027	8,649.96	\$8,596.23	
2028	8,649.96	\$8,596.23	
2029	8,649.96	\$8,596.23	
2030	8,649.96	\$8,596.23	
2031	8,649.96	\$8,596.23	
1/2032 - 7/2032	5,045.81	\$5,014.47	
TOTAL COMMON AREA REIMBURSEMENT	80,012.13	79,515.16	

REAL ESTATE TAX PROJECTION

Monthly charge as of 5/1/2023 \$ 1,301.10			
5/2023 - 12/2023	10,408.80	\$10,344.15	
2024	15,613.20	\$15,516.22	
2025	15,613.20	\$15,516.22	
2026	15,613.20	\$15,516.22	
2027	15,613.20	\$15,516.22	
2028	15,613.20	\$15,516.22	
2029	15,613.20	\$15,516.22	
2030	15,613.20	\$15,516.22	
2031	15,613.20	\$15,516.22	
1/2032 - 7/2032	9,107.70	\$9,051.13	
TOTAL REAL ESTATE TAX	144,422.10	143,525.07	

BASE Rent Projection

Property	Unit(s)	Lease	Lease Type	Area	Lease From	Lease To	May 2023	Jun 2023	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	Total	RATE: NPV
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INSURANCE REIMBURSEMENT PROJECTION

Monthly charge as of 5/1/2023 \$ 90.10

5/2023 - 12/2023	720.80	\$716.32
2024	1,081.20	\$1,074.48
2025	1,081.20	\$1,074.48
2026	1,081.20	\$1,074.48
2027	1,081.20	\$1,074.48
2028	1,081.20	\$1,074.48
2029	1,081.20	\$1,074.48
2030	1,081.20	\$1,074.48
2031	1,081.20	\$1,074.48
1/2032 - 7/2032	630.70	\$626.78
TOTAL INSURANCE REIMBURSEMENT	10,001.10	9,938.98